

ESTTA Tracking number: **ESTTA368544**

Filing date: **09/15/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	David Klein DHK Enterprises, Inc
Granted to Date of previous extension	09/15/2010
Address	46675 Ashmere Sq Sterling, VA 20165 UNITED STATES
Party who filed Extension of time to oppose	DHK Enterprises, Inc
Relationship to party who filed Extension of time to oppose	We moved the company's actual name to the company name form field on the web page.

Correspondence information	David Klein President DHK Enterprises, Inc 46675 Ashmere Sq Sterling, VA 20165 UNITED STATES davidklein@dhk.com Phone:703-637-3990
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Applicant Information

Application No	78855845	Publication date	05/18/2010
Opposition Filing Date	09/15/2010	Opposition Period Ends	09/15/2010
International Registration No.	NONE	International Registration Date	NONE
Applicant	ALIBABA GROUP HOLDING LIMITED ONE CAPITAL PLACE, P.O. BOX 874 FOURTH FLOOR GRAND CAYMAN, CAYMAN ISLANDS		

Goods/Services Affected by Opposition

Class 042.

Opposed goods and services in the class: Data conversion of computer programs and data; hosting computer web sites for others; creating and maintaining web sites for others; consultancy and advice relating to the evaluation, choosing and implementation of computer software, firmware, hardware, information technology and data-processing systems, for the establishment of on-line retail stores and mail order services; information advisory and consultancy services relating to all the aforesaid

services

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)
Other	Applicant's Goods (and/or services) include goods that are the same or substantially similar to Opposer's Goods (and/or services) and/or are within Opposer's ever-expanding natural progression of goods and channels of trade.

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3411601	Application Date	08/07/2007
Registration Date	04/15/2008	Foreign Priority Date	NONE
Word Mark	DHK		
Design Mark			
Description of Mark	The mark consists of The letters DHK in blue. On top of and below the letters are two thin black bars that run the length of the letters. The background of the mark is white. The letter D has a small hash in white on the vertical bar of the D. The white hash matches the vertical placement of the middle bar in the H.		
Goods/Services	Class 042. First use: First Use: 2005/05/09 First Use In Commerce: 2005/05/09 Design and development of networks; Information technology consultation; Integration of computer systems and networks		

Attachments	77249392#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (3 pages)(59600 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/David Klein/
Name	David Klein
Date	09/15/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/855845

Published in the Official Gazette (Trademarks) on May 18, 2010

DHK ENTERPRISES, INC.,

Opposer

v.

ALIBABA GROUP HOLDING LIMITED,

Applicant

Opposition No. _____

NOTICE OF OPPOSITION

Opposer, DHK Enterprises Inc. (the “Opposer”), believes that it will be damaged by registration of the designation HK in International Class 042 for its stated goods and services, and alleges on knowledge as to its own acts, and otherwise on information and belief, as grounds for opposition as follows:

1. The Opposer is a corporation organized and existing under the laws of Virginia doing business at 46675 Ashmere Sq, Sterling, VA 20165.
2. Applicant is a company organized and existing under the laws of Cayman Islands, with a mailing address of ONE CAPITAL PLACE, P.O. BOX 874 FOURTH FLOOR, GRAND CAYMAN, Cayman Islands.
3. On April 12, 2006 (“Filing Date”) Applicant filed an in-use application Serial No. 78/855845 in Class 042 for HK as a trademark presently claiming use for the following goods (Applicant’s Goods): Data conversion of computer programs and data; hosting computer web

sites for others; creating and maintaining web sites for others; consultancy and advice relating to the evaluation, choosing and implementation of computer software, firmware, hardware, information technology and data-processing systems, for the establishment of on-line retail stores and mail order services; information advisory and consultancy services relating to all the aforesaid services

4. Opposer currently and prior to Applicant's Filing Date has utilized the trademark DHK to sell, offer to sell, publicize, and otherwise commercialize computer network products and services in interstate commerce.

5. Opposer currently and prior to Applicant's Filing Date has utilized a logo ("Logo") characterized by the following description: The mark consists of The letters DHK in blue. On top of and below the letters are two thin black bars that run the length of the letters. The background of the mark is white. The letter D has a small hash in white on the vertical bar of the D. The white hash matches the vertical placement of the middle bar in the H.

6. Opposer currently and prior to Applicant's Filing Date has procured and maintained the trade name DHK Enterprises, Inc.

7. Opposer currently and prior to Applicant's Filing Date has held itself out to the public via the website <http://dhk.com> to sell, offer to sell, publicize, and otherwise commercialize computer network products and services.

8. Opposer's Logo ("Opposer's Mark"); and Opposer's trade name are substantially identical to HK and confusingly similar when applied to computer network products and services.

9. Applicant's Goods (and/or services) include goods that are the same or substantially similar to Opposer's Goods (and/or services) and/or are within Opposer's ever-

expanding natural progression of goods and channels of trade.

10. Opposer's computer network products and services have been widely advertised, offered for sale, and sold throughout the United States under Opposer's Marks.


11. Since Opposer owns Opposer's Marks by virtue of prior use; confusion, mistake or deception as to the source of the origin of computer network products and services will arise and will injure and damage the Opposer and its goodwill.

12. The registration of HK to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's computer network products and services are made by, licensed by, controlled by, sponsored by, or in some way connected, related, or associated with Opposer, all to Opposer's irreparable damage.

13. Opposer believes that it is and will be damaged by registration of HK by Applicant.

WHEREFORE, Plaintiff prays that the application for registration of HK, Serial No. 78/855845, filed on April 12, 2006 be denied, or restricted to excise any reference to sink products or related products or restricted to the extent practicable to prevent likelihood of confusion, and that this Opposition be sustained.

DATED: September 15, 2010

By  _____
David Klein, President
DHK Enterprises, Inc
46675 Ashmere Sq
Sterling, VA 20165
Ph: (703) 637-3990